

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ART ZULU, INC.,

Plaintiff,

-against-

IMPULSE WEAR, INC.
d/b/a/ EARTH TONES TRADING CO.,

Defendant.

-----X

Civil Action No.:

NOTICE OF REMOVAL

1. Impulse Wear, Inc. d/b/a Earth Tones Trading Co. ("Earth Tones") is the defendant in an action styled Art Zulu, Inc. v. Impulse Wear, Inc. d/b/a Earth Tones Trading Co., brought on September 21, 2005, in the Supreme Court of the State of New York, County of New York and filed under Index Number 603363/05. All papers filed and served on defendants in that action, consisting of a Summons and Verified Complaint, are attached to this notice.

2. The Summons and Verified Complaint in this action were served on Earth Tones through personal service upon its President, Larry Levine on September 21, 2005. Therefore, this notice of removal is filed within 30 days of receipt of the Summons and Verified Complaint and is timely filed under 28 U.S.C. § 1446 (b). The plaintiff is a corporation duly formed under the laws of the State of New York with offices located in the State of New York. The defendant is a corporation duly formed under the laws of the State of Ohio with offices located in the State of Ohio.

3. This is an action brought in the Supreme Court of The State of New York, County of New York in which the plaintiff is seeking damages in the sum of \$194,208.85

(One Hundred Ninety Four Two Hundred and Eight Dollars and Eighty Five Cents) with interest from September 1, 2005 for alleged breaches of contract.

4. Removal of this action is proper pursuant to 28 U.S.C. § 1332 because this is an action between citizens of two different states in which the matter in controversy exceeds the sum or value of \$75,000.00 (Seventy Five Thousand Dollars), exclusive of interest and costs.

WHEREFORE, Impulse Wear, Inc. d/b/a Earth Tones Trading Co., in conformance with the requirements set forth in 28 U.S.C. § 1446, removes this action from the Supreme Court of the State of New York, New York County, to this Court on October 14, 2005.

Dated: New York, New York
October 14, 2005

LACHER & LOVELL-TAYLOR.

By: _____
Adam J. Rader (AR-3530)
Attorneys for Defendant
750 Lexington Avenue
New York, New York 10021
(212) 872-1500

TO:

**THE JUDGES OF THE
UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
United States District Courthouse
For The Southern District Of New York
500 Pearl Street
New York, NY 10007**

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